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EXAMINER

IDOWU, OLUGBENGA O

ART UNIT

PAPER NUMBER

2623

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/28/2008 have been fully considered but they are not persuasive.

In response to applicants arguments in the remarks and as alluded to by the applicant, the reference, Tamer, used in the rejection teaches the EMM being only in the packet stream containing program guide data (col. 4, lines 42 – 49). Tamer in col. 4, lines 42 – col. 5, line 30 does not talk about the EMM being in other parts of the stream.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1- 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Tamer, patent number: US 6 671 881 B1.

As per claim 1, Tamer teaches System for selecting and confirming an impulse purchase for pay television comprising the presentation to a user (system being used for pay per view, col. 5, lines 1 - 3), by means of a display device, of a grid of programmes, and the

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selection by this user of a programme of his particular choice from the grid by means known per se (selecting programs from an EPG, col. 3, lines 30 - 59), this choice having to be confirmed in the system by an entitlement management message (EMM) (EMM, col. 4, lines 42 - 49, 54 - 57), this message being specific to an impulse purchase (entitlement for specific programs, col. 4, lines 65 - 68), characterized in that the entitlement management message (EMM) specific to an impulse purchase is exclusively contained in the data (SI) tied to the presentation of the programme grid (program guide containing subscriber entitlements, col. 3, lines 30 - 35, col. 4, lines 42 - 49).

As per claim 2, Tamer teaches System according to Claim 1, characterized in that the entitlement management message is used locally in a hardware subassembly installed at the user's premises, this hardware subassembly comprising a security module in which is stored a subscriber authorizations and subscriptions profile relating to the user (smart card apparatus 31, col. 4, lines 42 - 49, Fig. 3).

As per claim 3, Tamer teaches System according to Claim 1, characterized in that the entitlement management message specific to an impulse purchase may entail either the notification to authorize viewing, or that to veto this viewing authorization (EMM for determining programs viewers are entitled to, col. 4, lines 54 - 57).

As per claim 4, Tamer teaches System according to Claim 1, characterized in that the entitlement management message (EMM) comprises conditions defining the

authorization of viewing and conditions of cancellation of this authorization
(authorization, col. 4, line 65 - 67).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUGBENGA O. IDOWU whose telephone number is (571)270-1450. The examiner can normally be reached on Monday to Friday, 7am - 5pm Est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendelton can be reached on 571 272 7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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